

RETURN DATE: JUNE 14, 2002	:	SUPERIOR COURT
	:	HOUSING SESSION
JUANA VALLE	:	J.D. OF NEW HAVEN
v.	:	AT NEW HAVEN
CITY OF NEW HAVEN		
FAIR RENT COMMISSION	:	MAY 26, 2022

**APPEAL TO THE SUPERIOR COURT FROM A DECISION OF
THE CITY OF NEW HAVEN FAIR RENT COMMISSION**

To the Superior Court for the Judicial District of New Haven, Housing Session at New Haven comes Juana Valle, pursuant to Conn. Gen. Stat. § 7-148e and New Haven Code of Ordinances Ch. 12¾-7(f), to appeal from the City of New Haven Fair Rent Commission's May 17, 2022 dismissal of FRC Case #1001-22 Juana Valle v. Silverio Lucero (written decision dated May 20, 2022 attached as Exhibit A) and complains and says:

1. On May 15, 2022, Plaintiff Juana Valle filed a Retaliation Action Complaint with the City of New Haven Fair Rent Commission, stating that Silverio Lucero had served a Notice to Quit on September 30, 2021 in retaliation for her filing of a Fair Rent Complaint on July 2, 2021.

2. On May 17, 2022, Assistant Corporation Counsel Blake Sullivan sent an email to counsel for Ms. Valle and Mr. Lucero advising that the City of New Haven Fair Rent Commission "may be without jurisdiction" to hear Ms. Valle's Retaliation Action Complaint given that there was a pending summary process action between parties in New Haven Housing Court.

3. At the Fair Rent Commission's hearing on May 17, 2022, Assistant Corporation Counsel Sullivan requested argument from counsel from both parties on the matter of jurisdiction and then advised the Fair Rent Commission that it did not have jurisdiction to hear Ms. Valle's Retaliation Action Complaint.

4. Based on the recommendation of the Assistant Corporation Counsel, the Fair Rent Commission voted unanimously to dismiss Ms. Valle's Retaliation Action Complaint.

5. In dismissing Ms. Valle's Retaliation Action Complaint, the Commission acted illegally, arbitrarily and in abuse of the discretion vested in it in one or more of, but not necessarily limited to, the following respects: (a) The Commission failed to hear a case for which it is required to adjudicate, in derogation of Conn. Gen. Stat. § 7-148d; (b) The Commission failed to hear a case for which it is required to adjudicate, in derogation of New Haven Code of Ordinances Ch. 12¾-11; (c) Said dismissal was inconsistent with the purposes and/or requirements of such state statute and city code; and (d) Said dismissal violates the separation of powers doctrine in that the effect of said dismissal was to delegate the powers of the Commission under New Haven Code of Ordinances Ch. 12¾-4 to the Connecticut Superior Court.

WHEREFORE, Ms. Valle appeals from the decision of the City of New Haven Fair Rent Commission and respectfully requests that the Court:

- (1) Invalidate the City of New Haven Fair Rent Commission's May 17, 2022 dismissal of Ms. Valle's Retaliation Action Complaint to the extent that it was issued arbitrarily, unlawfully, or in such a manner as to abuse the Commission's discretion;

- (2) Remand proceedings to the City of New Haven Fair Rent Commission to hold a full evidentiary hearing on the Ms. Valle's Retaliation Action Complaint; and
- (3) Grant such other and further relief as may be just and proper.

JUANA VALLE,
THE DEFENDANT

BY: 

Amy Marx
Her Attorney
New Haven Legal Assistance Assoc.
426 State Street
New Haven, CT 06510
(203) 946-4811 X 116
Juris # 419776

APPENDIX A



**FAIR RENT COMMISSION
CITY OF NEW HAVEN**
165 Church Street 1st Floor, New Haven 06510
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Justin Elicker
Mayor

Wildaliz Bermúdez
Executive Director

May 20, 2022

**NOTICE OF FINDING
PUBLIC HEARING**

**CERTIFIED AND
7020 1810 0002 1552 3799
REGULAR MAIL**

Juana Valle
27 Maltby Place 1st Floor
New Haven, CT, 06513

v.

Silverio Lucero
500 Strong Street
East Haven, CT 06512

RE: FRC Case #1001-22 Juana Valle v. Silverio Lucero

To the Parties Concerned:


On July 2, 2021, tenant (Complainant) Juana Valle filed a fair rent complaint against landlord (Respondent) Silverio Lucero with the City of New Haven Fair Rent Commission pursuant to the Connecticut General Statutes ("C.G.S.") Section 7-148b and the New Haven Code of Ordinances ("Code") Chapter 12 ¾-4, based on unsafe and unhealthy housing conditions in addition to a proposed increase in monthly rent.

The Fair Rent Commission Board's determination at the May 17, 2022, Public Hearing for this case is as follows:

- A. On July 2, 2021, tenant (Complainant) Juana Valle, filed a fair rent complaint against landlord (Respondent) Silverio Lucero, based on unsafe and unhealthy housing conditions in addition to a proposed increase in monthly rent.
- B. The Commission has jurisdiction in this case based on criteria set forth by C.G.S. 7-148b and the New Haven Municipal Code of General Ordinances 12 ¾ -8.
- C. Accordingly, the Commission decides this case by consideration of the criteria set forth under C.G.S. Section 7-148c and the Code Sec. 12 ¾-8 in determination as to whether the rent is harsh and unconscionable.
- D. Notice of the Public Hearing was issued on May 9, 2022, by Certified and Regular Mail.
- E. **The Commission conducted a Public Hearing on Tuesday, May 17, 2022, and ruled on the Case #1001-22 as follows:**
 - 1. The Board of Commissioners voted unanimously to dismiss the retaliation complaint given the recommendation by the City of New Haven's Assistant Corporation Counsel. Furthermore, the Commission found it was without jurisdiction on the retaliation complaint in this case, as the summary process action is set for trial.
 - 2. After consideration of all of the testimony and evidence presented, The Board of Commissioners voted unanimously to set monthly rent to \$1,100 per month, with an additional one-time \$150 pet fee; with the pet fee payable in three (3) payments.
 - 3. Such order shall be effective for one year from its date following the provisions set forth in the New Haven Municipal Code of General Ordinances Section 12 ¾-4.
 - 4. The Board of Commissioners has thereby effectively closed the case as of the date of the Commissioners order on May 17, 2022.
- F. The Commission Notice of Finding for Public Hearing for this case was emailed as well as sent by Certified and Regular mail to all parties on May 20, 2022.

Please be reminded of Sec. 12 ¾-4 (Powers of the Commission) 12 ¾-4 (7) states such order of the (of the Commission) shall be effective for one year from its date thereof. In addition, **Sec 12 ¾-7(f) (Hearings and Procedures)**, "Any person aggrieved by any decision of the Commission may appeal to the [State of Connecticut Superior Court Housing Session for the Judicial District of New Haven, 121 Elm Street, New Haven, CT], such appeal to be taken within ten (10) days after the rendering of the decision in question." Any such appeal shall be considered a privileged matter with respect to the order of trial. Such appeals shall be limited to the question of whether the Commission acted arbitrarily, illegally, or in abuse of its discretion. Unless otherwise directed by the court, the filing of an appeal shall not stay any order issued by the Commission.

Sincerely,



Wildaliz Bermúdez

Executive Director

CC: Members of the Board of Commissioners
Blake T. Sullivan, Esq., Assistant Corporation Counsel
Amy Marx, Esq., Counsel for the Complainant
Ori Spiegel, Esq., Counsel for the Respondent
File